



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

APR 22 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John R. Wallace, Treasurer
Brad Miller for U.S. Congress
Wallace & Nordan LLP
3737 Glenwood Avenue, #260
Raleigh, NC 27612

RE: MUR 6738

Dear Mr. Wallace:

This is in reference to the complaint you filed with the Federal Election Commission on May 30, 2013. Based on that complaint, on May 19, 2015, the Commission found that there was reason to believe Johnathan W. Broyhill knowingly and willfully violated 52 U.S.C. § 30114(b) and entered into preprobable cause conciliation in this matter. However, after considering the circumstances of this matter, the Commission determined to take no further action as to Johnathan W. Broyhill, and closed the file in this matter on March 15, 2016. The Report Recommending to Close the File, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8). If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Daniel A. Petalas
Acting General Counsel

BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure

GC Report, Recommendation to Close the File

RECEIVED
FEDERAL ELECTION
COMMISSION



FEDERAL ELECTION COMMISSION
Washington, DC 20463

2016 JAN -8 AM 11:38

SENSITIVE

CELA

MEMORANDUM

TO: The Commission

FROM: Daniel A. Petalas
Acting General Counsel

Kathleen Guith
Acting Associate General Counsel for Enforcement

BY: William A. Powers *WAP*
Assistant General Counsel for Enforcement

Emily M. Meyers *EMM*
Attorney

SUBJECT: MUR 6738 (Jonathan Broyhill)
Recommendation to Close the File

2016 JAN -8 AM 11:45

This matter was generated by a Complaint filed by Brad Miller for United States Congress (the "Committee"), Miller's principal campaign committee for the 2012 election in North Carolina's 13th Congressional District. The Complaint alleged that Jonathan W. Broyhill made a total of approximately \$58,000 of unauthorized disbursements from February 2011 through March 2013 while serving as the Committee's bookkeeper.¹ Broyhill concealed his embezzlement by entering false payments and disbursements in the Committee's records. Broyhill was the sole employee of SkyBlue Strategies, a proprietorship owned and operated by Jamie Hahn, which the Committee engaged for campaign management, fundraising, and compliance services. As the Committee's bookkeeper, Broyhill had access to the Committee's mailbox, telephone, e-mail account, bank account, checkbook, and reporting software.

On April 22, 2013, a few days after the Committee and Hahn discovered Broyhill's embezzlement, Hahn confronted Broyhill about his activities and Broyhill physically attacked Hahn and her husband, resulting in Hahn's death and seriously injuring her husband. On March

1 18, 2015, Broyhill was convicted of first-degree murder of Jamie Hahn, among other charges.
2 On March 19, 2015, Broyhill was sentenced to life in prison without the possibility of parole.
3

4 On May 19, 2015, the Commission found reason to believe that Broyhill knowingly and
5 willfully violated section 30114(b) of the Federal Election Campaign Act (the "Act"), and
6 authorized conciliation prior to a finding of probable cause.

24 Because it appears that Broyhill does not wish to engage in pre-probable cause
25 conciliation, and that Broyhill will likely spend the remainder of his life in prison serving his
26 sentences for murder, attempted murder, and assault with a deadly weapon, further pursuit of this
27 matter would not be a prudent use of the Commission's limited resources. Accordingly, we now
28 recommend that the Commission close the file in MUR6738.
29

30 **RECOMMENDATIONS:**
31

- 32 1. Close the file.
33
34 2. Approve the appropriate letters.